



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

4601 N Monroe Street • Spokane, Washington 99205-1295 • (509)329-3400

July 30, 2013

Mac & Cass Partnership
c/o Tory Wulf
P.O. Box 9
Brewster, WA 98812

Dear Mr. Wulf:

Re: Application for Change/Transfer under Surface Water Certificate No. S3-01379C

On June 19, 2013, our office received from the Stevens County Water Conservancy Board a Record of Decision for the above referenced application for change/transfer. In accordance with RCW 90.80.080, the Department of Ecology has reviewed the Record of Decision and Report of Examination and has considered all comments, protests, objections, and other relevant information.

The Department has **modified** the decision of the Board and the proposed change/transfer of water right is **approved** under the following conditions:

Summary of Ecology's Final Order

MAXIMUM CUB FT/ SECOND 1.0	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR 360	TYPE OF USE, PERIOD OF USE Seasonal Irrigation of 130 acres from April 1 to October 31, each year				
SOURCE Wells Pool (Okanogan River)			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: Diversion # 1 (DNR Leased)	¼ S½	¼ SE¼	SECTION 22	TOWNSHIP 31 N.	RANGE 25 E.	WRIA 49	COUNTY Okanogan
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED Seasonal Irrigation of 130 acres located in the W½ of Section 21, T. 31 N., R. 25 E.W.M., Okanogan County, Washington							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP 31 N.	RANGE 25 E.		

On page 2 and continued on page 3 of the Report of Examination under the heading "History of Water Use" the second sentence of the twelfth paragraph reads; "The surface water rights were used for irrigation on approximately 130 acres on the Double M property from April through



October of each year." Ecology modifies this to read: **The surface water right was used for irrigation on approximately 130 acres on the Double M property from April 1st to October 1st of each year.**

On page 5 and continued on page 6 of the Report of Examination under the heading "**INVESTIGATION**" the first sentence of the thirteenth paragraph reads; "The change to add points of diversion are within the influences of the Wells Pool within the Okanogan River valley." Ecology modifies this sentence to read; **The proposed point of diversion is located within the influences of the Wells Pool within the Okanogan River Valley.**

On page 6 of the Report of Examination under the heading "**Proposed project plans and specifications**" the second sentence of the second paragraph reads; "The additional point of diversion is an operating diversionary structure owned by the Washington State DNR and leased to Gebbers Farm and Mac & Cass Partnership under DNR lease agreement No. 12-067588 revised on March 8, 1993." Ecology modifies this sentence to read; **The proposed point of diversion is an operating diversionary structure owned by the Washington State DNR and leased to Gebbers Farm and Mac & Cass Partnership under DNR lease agreement No. 12-067588 revised on March 8, 1993.**

On page 10 of the Report of Examination under the heading "**PROVISIONS**" and sub-heading "**Conditions and limitations**" the first paragraph begins; "Issuance of this certificate..." Ecology deletes this paragraph.

On page 10 of the Report of Examination under the heading "**PROVISIONS**" and sub-heading "**Additional Provisions**" the following provisions shall be included:

- The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required for the actual crop grown on the number of acres and the place of use specified.
- The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between the applicant and the owner of that land.
- A certificate of water right will not be issued until a final examination is made.
- The water quantities and uses recommended and/or the number of acres to be irrigated may be reduced at the time of issuance of a final water right commensurate with the capacity of the installed system and the uses and/or the number of acres actually irrigated.
- An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

- The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements"
- Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

You have a right to appeal this action to the Pollution Control Hearing Board (PCHB) within 30 days of the date of receipt of this document. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal, you must do the following within 30 days of the date of receipt of this document:

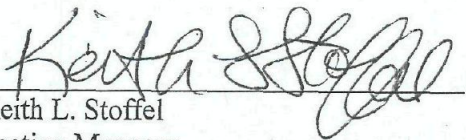
- File your appeal and a copy of this document with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of your appeal and this document on Ecology in paper form - by mail or in person. (See addresses below.) Email is not accepted.

You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.

Street Addresses	Mailing Addresses
Department of Ecology Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	Department of Ecology Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
Pollution Control Hearings Board 1111 Israel Road SW Suite 301 Tumwater, WA 98501	Pollution Control Hearings Board PO Box 40903 Olympia, WA 98504-0903

For additional information visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov> . To find laws and agency rules visit the Washington State
Legislature Website: <http://www1.leg.wa.gov/CodeReviser>

DATED this 30th day of July, 2013 at Spokane, Washington.


Keith L. Stoffel
Section Manager
Water Resources Program
Eastern Regional Office

KS:HS:ka
Enclosures Your Right to Be Heard
Water Use Data Collection Reporting
Form 1—Measuring Device Informat

By Certified Mail 7011 3500 0001 8626 3580

cc: Stevens County Water Conservancy Board

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or PO Box No.
City, State, ZIP+4

MAC & CASS PARTNERSHIP
C/O TORY WULF
P.O. BOX 9
BREWSTER, WA 98812

PS Form 3800, August 2006

See Reverse for Instructions

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MAC & CASS PARTNERSHIP
C/O TORY WULF
P.O. BOX 9
BREWSTER, WA 98812

2. Article Number
(Transfer from service label)

7011 3500 0001 8626 3580

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

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A. Signature

X  ☒ Agent ☐ Addressee

B. Received by (Printed Name)

Samantha Gebbers

C. Date of Delivery

7-31-13

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☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes